

Hon. Mary Alice Theiler

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BWP Media USA Inc., d/b/a Pacific
Coast News

Plaintiff,

v.

Rich Kids Clothing Company,
LLC,

Defendant.

Cause No. 2:13-cv-01975

DECLARATION OF JOHN
WHITAKER IN SUPPORT OF
DEFENDANT'S MOTION FOR
ATTORNEY'S FEES

I, John Whitaker, declare as follows:

1. I have personal knowledge of the facts set forth herein, and if called upon to testify, would so testify.
2. I am attorney-of-record in the above-captioned matter representing Defendant Rich Kids Clothing Company, LLC.
3. I have been practicing law for roughly 19 years and in the local intellectual property community for approximately the last sixteen years. My practice focuses on patent, trademark, copyright and other intellectual property litigation and related counseling.
4. My billable rate for litigation in cases similar to the above-captioned matter is typically \$450 per hour. However, in view of the particular

1 circumstances of my client in this matter, I agreed to a lower rate of
2 \$350 per hour.

3 5. Attached as Exhibit A is a true and correct copy of an initial
4 settlement demand which I received from counsel for Plaintiff BWP
5 Media USA, Inc. in the above-captioned matter.

6 6. Attached as Exhibit B is a true and correct copy of my billing entries
7 for this matter.

8 7. I have personally been involved in approximately half a dozen jury
9 trials on intellectual property disputes, and numerous hearings. I have
10 been personally involved in dozens of patent, copyright, and trademark
11 related federal litigation matters over the course of my career.

12 8. Attached as Exhibit C is a true and correct summary of the 2013
13 annual AIPLA survey regarding average intellectual property litigation
14 costs for various types of matters.

15 9. The foregoing statement is made under penalty of perjury under the
16 laws the United States of America and is true and correct.
17

18 Executed: February 6, 2015

19 
20 John Whitaker